

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ FEB 27 2018 ★

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

– against –

PATRICK K. MCDONNELL,
and CABBAGETECH, CORP. d/b/a COIN
DROP MARKETS,

Defendant.

BROOKLYN OFFICE

SCHEDULING ORDER

18-CV-361

JACK B. WEINSTEIN, Senior United States District Judge:

The court has received, and there is docketed, the items listed below:

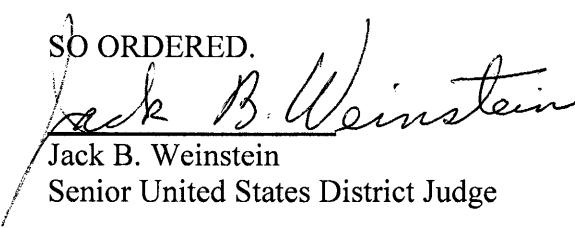
1. Defendants' "Motion to Dismiss for Lack of Jurisdiction." ECF No. 18, Feb. 15, 2018.
2. Plaintiff's "Opposition to Defendants' Motion to Dismiss." ECF No. 20, Feb. 26, 2018.
3. Plaintiff's "Brief . . . In Support of Preliminary Injunction And Other Relief." ECF No. 21, Feb. 26, 2018.
4. "Proposed Preliminary Injunction Order." ECF No. 21, Feb. 26, 2018, Exh. 1.
5. "Declaration of Christopher Giglio." ECF No. 21, Feb. 26, 2018, Exh. 2.

In a previous order the court indicated that it was prepared to hear an application for a preliminary injunction. ECF No. 9, Jan. 30, 2018. A permanent injunction may also be considered with the application for the preliminary injunction. Combining the preliminary and final injunction hearings may lead to more efficiency in controlling the litigation.

The plaintiff has submitted a 262 page declaration of Christopher Giglio, a Senior Futures Trading Investigator in the Division of Enforcement of the Commodity Futures Trading Commission. *See* ECF No. 21, Feb. 26, 2018, Exh. 2. Mr. Giglio shall be present at the evidentiary hearing scheduled for March 6, 2018, *see* ECF No. 17, Feb. 14, 2018, subject to direct and cross-examination. Any documents which he will rely on in testifying shall be supplied to the defendants and court by March 4, 2018. If any other witnesses will be called, his or her name, the substance of the proposed testimony, and any documents relied on, shall be supplied to defendants and the court by March 4, 2018.

The individual defendant, Patrick K. McDonnell, shall be present at the hearing, subject to examination to the extent permitted by law.

SO ORDERED.


Jack B. Weinstein
Senior United States District Judge

Dated: February 27, 2018
Brooklyn, New York